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Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In re:

DONALD R. SOUCY

Case # 08-04626-T13

OPPOSITION TO EX PARTE  
MOTION FOR ORDER  
AUTHORIZING EXAM UNDER  
FRBP 2004, AND REQUEST  
FOR PRODUCTION OF  
DOCUMENTS

Date:  
Time:  
Dept:

OPPOSITION AND OBJECTION TO THE UST'S EX PARTE MOTION IS MADE  
ON THE FOLLOWING GROUNDS:

1. Movant fails to assert grounds to justify ex parte relief in lieu of noticed motion.
2. Movant fails to show there is good cause for taking the requested discovery pursuant to In re Wilcher, 56 Bank. at 434.
3. Said request exceeds the scope and purpose of FRBP 2004. "Such an examination, however, cannot be 'used for the purposes of abuse or harassment' and it 'cannot stray into matters which are not relevant to the basic inquiry.'"(In re W&S Investments, Inc. 985 F.2d 577, 1993 US App 9<sup>th</sup> Cir.) Movant's purpose is to delve into attorney client confidentiality and interfere with the attorney client relationship and privilege as well as attorney work product privilege. Movant fails to cite any case law justifying such an unprecedented use and abuse of the 2004 exam process.

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Respectfully Submitted,

/s/Steven R. Houbeck, Esq.  
Steven R. Houbeck, Esq.  
Attorney for Debtor